

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Ryan W. Montgomery
Amy L. Montgomery
Debtor(s)

Bankruptcy Case No.: 20-21256-CMB
Per October 22, 2020 Proceeding
Chapter: 13
Docket No.: 51 – 7, 31
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated April 13, 2020 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Standard Bank of PA (Cl #9); Freedom Mortgage (Cl #10); and Huntington Bank (Cl #17) .
- ☒ H. Additional Terms: Fee application needed if any fee (including retainer) exceeds \$4,000 including any fees paid to prior counsel.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

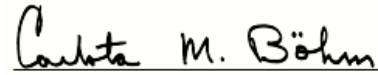
B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Carlota M. Böhm, Judge
United States Bankruptcy Court

Dated: October 26, 2020

cc: All Parties in Interest to be served by Clerk in seven (7) days

In re:
Ryan W. Montgomery
Amy L. Montgomery
Debtor(s)

Case No. 20-21256-CMB
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2
Date Rcvd: Oct 26, 2020

User: gamr
Form ID: 149

Page 1 of 3
Total Noticed: 30

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
++	Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.P.2002(g)(4).

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 28, 2020:

Recip ID	Recipient Name and Address
db/jdb	+ Ryan W. Montgomery, Amy L. Montgomery, 1219 McEwen Avenue, Canonsburg, PA 15317-1989
15229794	+ American Express, PO Box 981537, El Paso, TX 79998-1537
15240828	American Express National Bank, c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
15229796	+ CBNA, PO Box 6217, Sioux Falls, SD 57117-6217
15253966	Citibank, N.A., 5800 S Corporate Pl, Sioux Falls, SD 57108-5027
15229797	+ Citicards CBNA, PO Box 6241, Sioux Falls, SD 57117-6241
15244684	+ FREEDOM MORTGAGE CORPORATION, FREEDOM MORTGAGE CORP., Bankruptcy Department,, 10500 KINCAID DRIVE, FISHERS IN 46037-9764
15229799	Freedom Mortgage Corp, 6800 Southpoint Pkwy, Jacksonville, IN 46037
15235841	+ JPMorgan Chase Bank, N.A., s/b/m/t Chase Bank USA, N.A., c/o Robertson, Anschutz & Schneid, P.L, 6409 Congress Avenue, suite 100, Boca Raton, FL 33487-2853
15229803	+ Standard Bank, 2640 Monroeville, Blvd., Monroeville, PA 15146-2314
15243277	+ Standard Bank PaSB, by assignment of, Sail Mortgage Corp., 2640 Monroeville Boulevard, Monroeville, PA 15146-2314
15246528	UPMC Health Services, PO Box 1123, Minneapolis, MN 55440-1123
15232726	+ Wells Fargo Bank N.A., d/b/a Wells Fargo Auto, PO Box 130000, Raleigh NC 27605-1000
15229807	+ Wells Fargo Dealer Services, PO Box 10709, Raleigh, NC 27605-0709

TOTAL: 14

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
cr	+ Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com	Oct 27 2020 02:04:31	PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
15229795	+ Email/PDF: AIS.cocard.ebn@americaninfosource.com	Oct 27 2020 02:01:15	Capital One, PO Box 30281, Salt Lake City, UT 84130-0281
15240498	Email/PDF: AIS.cocard.ebn@americaninfosource.com	Oct 27 2020 02:02:53	Capital One Bank (USA), N.A., by American InfoSource as agent, PO Box 71083, Charlotte, NC 28272-1083
15229798	Email/Text: mrdiscen@discover.com	Oct 27 2020 01:51:00	Discover Bank, PO Box 15316, Wilmington, DE 19850
15233253	+ Email/Text: dplbk@discover.com	Oct 27 2020 01:52:00	Discover Personal Loans, PO Box 30954, Salt Lake City, UT 84130-0954
15229800	+ Email/Text: bankruptcy@huntington.com	Oct 27 2020 01:52:00	Huntington Mortgage Co, 7575 Huntington Park Dr, Columbus, OH 43235-2600
15229801	Email/PDF: ais.chase.ebn@americaninfosource.com	Oct 27 2020 02:04:29	JPMCB Card Services, PO Box 15369, Wilmington, DE 19850
15253924	Email/PDF: resurgentbknotifications@resurgent.com	Oct 27 2020 02:01:18	LVNV Funding, LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
15256981	Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com	Oct 27 2020 02:04:31	Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541

District/off: 0315-2

User: gamr

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15256905	Email/Text: lhunsaker@sofi.org	Oct 27 2020 01:50:00	SoFi Lending Corp, 2750 E Cottonwood Pkwy Suite 300, Cottonwood Heights, UT 84121
15229804	Email/PDF: gecsedl@recoverycorp.com	Oct 27 2020 02:01:11	SYNCB/Amazon PLCC, PO Box 965015, Orlando, FL 32896-5015
15229806	+ Email/PDF: gecsedl@recoverycorp.com	Oct 27 2020 02:01:11	SYNCB/Old Navy, PO Box 965005, Orlando, FL 32896-5005
15229802	+ Email/Text: lhunsaker@sofi.org	Oct 27 2020 01:50:00	SoFi, 2750 E Cottonwood Pkwy, Salt Lake City, UT 84121-7284
15229805	+ Email/PDF: gecsedl@recoverycorp.com	Oct 27 2020 02:01:11	SynCB/Google, PO Box 965022, Orlando, FL 32896-5022
15230095	+ Email/PDF: gecsedl@recoverycorp.com	Oct 27 2020 02:01:11	Synchrony Bank, c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
15255411	+ Email/Text: bankruptcy@huntington.com	Oct 27 2020 01:52:00	The Huntington National Bank, P O Box 89424, Cleveland OH 44101-6424

TOTAL: 16

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
cr		FREEDOM MORTGAGE CORPORATION
cr	*+	LVNV Funding LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
cr	*+	Standard Bank PaSB, by assignment of Sail Mortgage, 2640 Monroeville Boulevard, Monroeville, PA 15146-2314
cr	*+	The Huntington National Bank, PO Box 89424, Cleveland, OH 44101-6424
15256906	*P++	SOFI LENDING CORP, ATTN LACEE HUNSAKER, 2750 EAST COTTONWOOD PKWY, SUITE 300, SALT LAKE CITY UT 84121-7285, address filed with court., SoFi Lending Corp, 2750 E Cottonwood Pkwy Suite 300, Cottonwood Heights, UT 84121
jdb	*+	Amy L. Montgomery, 1219 McEwen Avenue, Canonsburg, PA 15317-1989

TOTAL: 1 Undeliverable, 5 Duplicate, 0 Out of date forwarding address

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 28, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 26, 2020 at the address(es) listed below:

Name	Email Address
Brian Nicholas	on behalf of Creditor FREEDOM MORTGAGE CORPORATION bnicholas@kmlawgroup.com
Brian C. Thompson	on behalf of Debtor Ryan W. Montgomery bthompson@ThompsonAttorney.com blemon@thompsonattorney.com;mgillespie@thompsonattorney.com;bthompson@ecf.courtdrive.com;jgorze@thompsonattorney.

District/off: 0315-2

User: gamr

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Date Rcvd: Oct 26, 2020

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Total Noticed: 30

com;jcastello@thompsonattorney.com;kbelko@thompsonattorney.com

Brian C. Thompson

on behalf of Joint Debtor Amy L. Montgomery bthompson@ThompsonAttorney.com
blemon@thompsonattorney.com;mgillespie@thompsonattorney.com;bthompson@ecf.courtdrive.com;jgorze@thompsonattorney.
com;jcastello@thompsonattorney.com;kbelko@thompsonattorney.com

Mario J. Hanyon

on behalf of Creditor FREEDOM MORTGAGE CORPORATION pawb@fedphe.com

Office of the United States Trustee

ustpreion03.pi.ecf@usdoj.gov

Ronda J. Winnecour

cmecf@chapter13trusteedpa.com

Ryan G Lemke

on behalf of Creditor Standard Bank PaSB by assignment of Sail Mortgage Corp. rlemke@hrslaw.com, dscott@hrslaw.com

TOTAL: 7